

ORDINANCE

121831

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.34.079 and 23.47.012; and amending Chapter 23.32 of the Seattle Municipal Code at Plats 36E, page 103, and 40E, page 111, of the Official Land Use Map to rezone areas within the Capitol Hill Urban Center Village from Lowrise 3 (L3), Lowrise 3/Residential Commercial (L3/RC), Midrise (MR), Midrise/Residential Commercial (MR/RC), and Neighborhood Commercial 3 with a 40' height limit (NC 3 40') to Neighborhood Commercial 3/Residential with a 40' height limit (NC 3/R 40').

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended to rezone to Neighborhood Commercial 3/ Residential with a 40 foot height limit (NC3/R 40') certain properties located on Plats 36E, page 103, and 40E, page 111, of the official Land Use Map, as shown on Exhibit A attached to this ordinance.

Section 2. Section 23.34.079 of the Seattle Municipal Code, which section was adopted by Ordinance 117430, is amended as follows:

23.34.079 Neighborhood Commercial 3/Residential (NC3/R) designation.

A. Function. An area designated as NC3/R functions as an NC3 zone while maintaining existing residential uses and/or promoting increased residential development. These areas provide locations for moderate density residential development in single purpose and mixed use structures; limit single purpose commercial development; and encourage commercial storefronts built to the front property line.

B. NC3 zoned areas or areas that meet NC3 criteria may be ~~((designed))~~ designated NC3/R only under the following conditions:

1. ~~((a.))~~ Areas located inside urban center villages and the village core of hub urban villages, or

((b-)) 2. Areas in a residential urban village characterized by a concentration of small retail sales and service uses and residential support services, where it is desirable to promote high density residential uses. ~~((; and~~

2. ~~The NC3/R designation is provided for in a neighborhood plan adopted or amended by the City Council after January 1, 1995.~~)

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Section 3. Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.47.012 Structure height and floor area ratio

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32, except that:

1. Within the South Lake Union Hub Urban Village, the maximum structure height in commercial zones with sixty-five (65) foot and eighty-five (85) foot height limits may be increased to eighty-five (85) feet and one((-)) hundred ((and)) five (105) feet, respectively, provided that:

a. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

b. the additional height is used to accommodate mechanical equipment;

and

c. the additional height permitted does not allow more than six (6) floors in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in



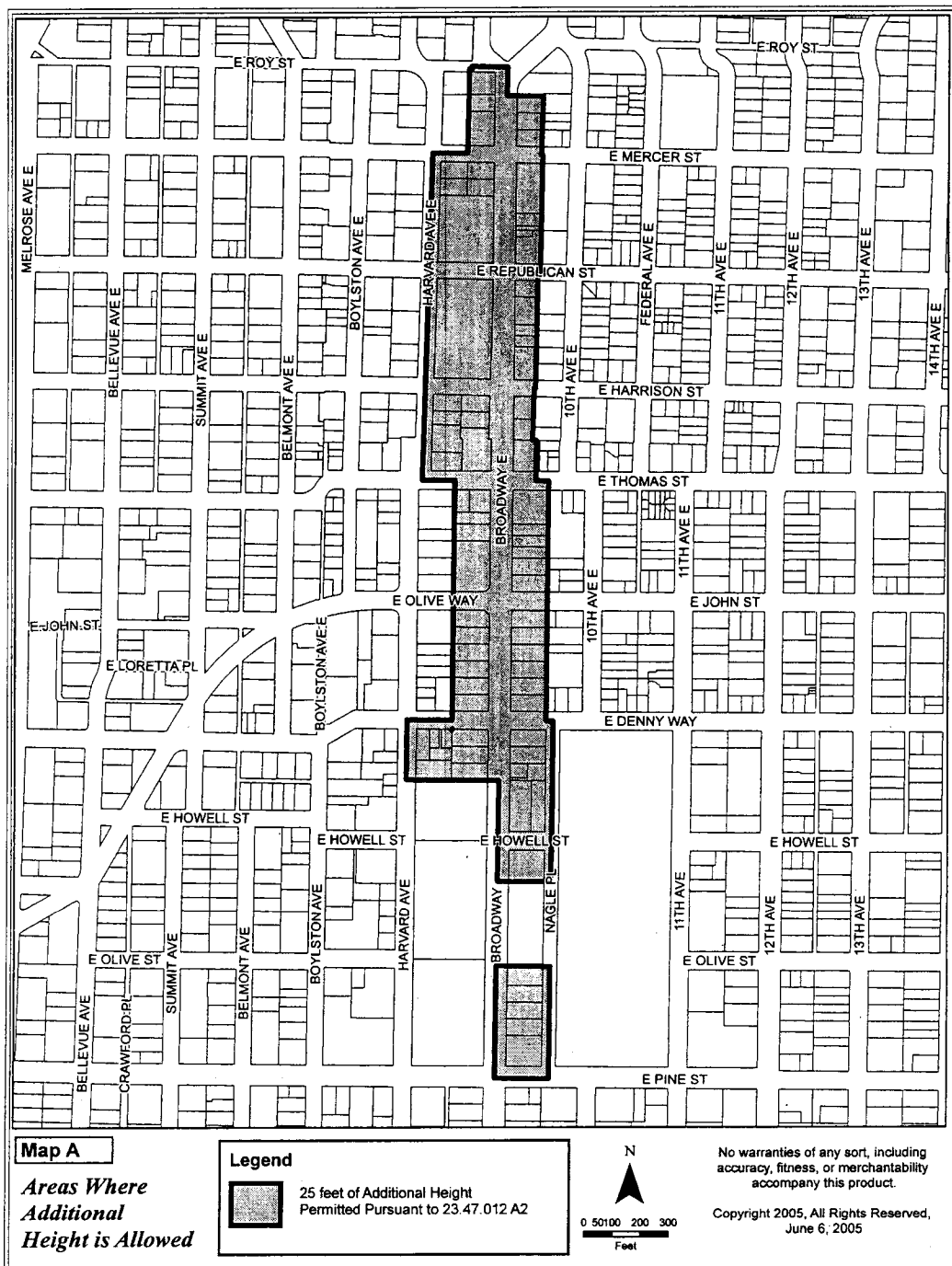
commercial zones with an eighty-five (85) foot height limit.

2. For any lot within the designated areas shown on Map A, the maximum structure height in commercial zones with a forty (40) foot height limit may be increased to sixty-five (65) feet, provided that portions of the structure above forty (40) feet contain only residential uses.

~~((2))~~3. Mixed use structures located in commercial zones with a thirty (30) foot or forty (40) foot height limit may exceed the height limit of the zone according to the provisions of Section 23.47.008.

~~((3))~~4. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.

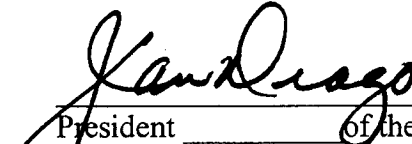




Section 4. Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

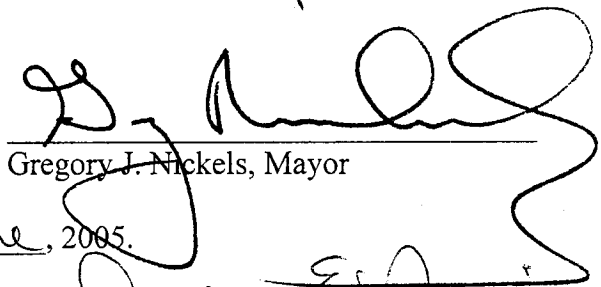
Section 5. This ordinance shall take effect and be in force beginning August 15, 2005.

Passed by the City Council the 13th day of June, 2005, and signed by me in open session in authentication of its passage this 13th day of June, 2005.



President _____ of the City Council

Approved by me this 20th day of June, 2005.



Gregory J. Nickels, Mayor

Filed by me this 20th day of June, 2005.



City Clerk

(Seal)

Exhibit A: Broadway Area Rezones

EXHIBIT A: BROADWAY AREA REZONES

